

STATE OF NEW YORK

3024--A

Cal. No. 817

2023-2024 Regular Sessions

IN SENATE

January 26, 2023

Introduced by Sens. COMRIE, HARCKHAM, KENNEDY, KRUEGER, MATTERA, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to providing a permit for a memorial lands facility

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 9 of the environmental conservation law is amended by adding a new title 22 to read as follows:

TITLE 22

MEMORIAL LANDS FACILITY

Section 9-2201. Memorial lands facility.

§ 9-2201. Memorial lands facility.

1. Any person who operates an entity on land, other than a cemetery, that is primarily used for the respectful disposition of cremated remains shall hold a valid memorial lands facility permit issued by the department and approved by the cemetery board in the division of cemeteries in the department of state.

2. To receive a memorial lands facility permit the operator of a memorial lands facility shall be a not-for-profit corporation, incorporated in the state, that shall file with the department and adhere to an operation plan for the maintenance of the land and the disposition of cremated remains. The operation plan shall include the following:

(a) Evidence of a conservation easement, as defined under section 49-0303 of this chapter, held by a not-for-profit conservation organization or public body;

(b) A commitment that no crematory or columbarium shall be constructed on the memorial lands facility;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 (c) A copy of the form contract between the memorial lands facility
2 and the consumer that permits the disposition of cremated remains; and

3 (d) The rules and regulations for the memorial lands facility which
4 governs and shall include but not be limited to, access to the land.

5 3. An entity holding a memorial lands facility permit shall be subject
6 to any regulations pertaining to disposal of cremated remains or
7 disposal thereof in article fifteen of the not-for-profit corporation
8 law.

9 4. As a condition of approval for such permit, the operator shall
10 provide certification to the department that such activities conform
11 with existing local zoning laws and ordinances.

12 5. The department is authorized to promulgate any rules and regu-
13 lations as may be necessary to implement and administer the provisions
14 of this title.

15 § 2. This act shall take effect immediately.